

NELSON'S COUNSEL SPRING SENSATIONS

Attempt to Show Defendant in Washington When Fire Started.

BRIBERY IS ALSO CHARGED

Defense Endeavors to Prove a Conspiracy Exists to Send Prisoner to Penitentiary Through Alleged Gamblers Hiring Witnesses.

There were two sensational turns to the Nelson arson case yesterday. The defense offered the testimony of James Burke, an employee of the defendant, to prove that Nelson was in Washington on the night of the fire, and while driving to Jackson City first learned of the burning by seeing in the sky the reflection of the conflagration, while they were fully a mile away. The counsel for the defendant also created a momentary flurry of excitement by declaring that a conspiracy existed among the other alleged gamblers to send Nelson to the penitentiary.

The counsel for the defense sought to have admitted the deposition of a colored man named Henry Williams, in which Frank Foster, Nelson's former partner and the man who swore out the warrant on which Nelson was arrested, is charged with having attempted to bribe Williams to give damaging testimony before the grand jury.

Judge Love ruled that the deposition was not admissible as evidence before the jury, and the counsel for the defense took exception to the ruling. The defense also tried to introduce as evidence the record of a civil suit brought by Foster against Nelson, after the fire, in which it was alleged that this suit was brought after certain so-called "bridging over" negotiations had fallen through.

James La Fontaine, a partner owner of the clubhouse which burned, and one of Nelson's associates in the alleged gambling concerns, testified on Tuesday that he had advised Nelson, subsequently to the fire, to "bridge over" the affair with his former associates. He denied, however, that by this he had meant the payment of money to stop prosecution of Nelson on the charge of arson.

The counsel for the defense contended that the record of the civil suit was admissible as evidence as it tended to show a conspiracy among the "sporting element" to get Nelson out of the business. The court ruled against the introduction of this evidence, and the defense again noted an exception.

Nelson Did Not Testify.

The defense rested its case at 2 o'clock yesterday afternoon, Nelson not having been called to the stand. Six witnesses were put on the stand in behalf of the prisoner yesterday, a large part of the time being consumed in the argument of legal points regarding the admission of evidence.

The prisoner, who was taken ill on Wednesday, was much better yesterday, although he took medicine several times during the course of the trial. The court took a recess from 12:40 until 1:30 p. m. yesterday. The next hour was occupied in the preparation of a bill of exceptions to the rulings of the judge by the counsel for the defense. It was decided at 2:40 p. m. to adjourn until 9 o'clock this morning, as Mr. Burke, for the prosecution, was slightly indisposed.

The testimony in rebuttal will begin this morning. After this the defense will put on the stand witnesses in rebuttal. It is likely that there will be a great deal of argument by the opposing counsel before the terms of instructions are agreed upon. Four hours will be allowed to each side for argument. The date at which the case will go to the jury, therefore, depends upon the length of the testimony in rebuttal and the amount of legal quibbling over the prayers. It is hardly probable that the case will go to the jury before tomorrow afternoon.

Where Defendant Was Seen.

John A. Graham, a plate printer in the Bureau of Printing and Engraving, who resides at 1302 E Street northwest, stated to the jury that he had seen Nelson in Almon's saloon, at the corner of Fourteenth and C Streets southwest, as late as 10:20 o'clock on the night of the fire. William A. Carroll, of 308 Fourteenth Street southwest, manager of a bar at Thirteenth and H Streets northwest, was the next witness. He said that he saw Nelson in Almon's saloon between 10:15 and 10:30 o'clock on the night of the fire. He left at 10:35 o'clock and Nelson was still there.

William Summers, a bartender employed at the saloon of James Wells, in Jackson City, on the night of July 14, said that he saw Nelson get out of a buggy in front of Wells' saloon after the fire was well started. He could not tell the exact time, but thought it must have been nearly 11 o'clock. He said that there was another man in the buggy with Nelson.

Harry Y. Palmer, deputy sheriff of Alexandria county, was then called. Mr. Palmer testified that he had summoned a colored man named "Mose" Jackson to appear at the trial as a witness for the State. "Mose" was not put on the stand by the Commonwealth.

It was at this point that Attorney Moore offered in evidence the record of the civil proceeding concerning Frank Foster, who swore out the warrant against Nelson. The jury retired by order of the court. Mr. Moore then continued, saying that the evidence showed that there was an effort, made by Foster and his associates, to keep Nelson out of Virginia. He said that there had been a plot on the part of Foster and his associates to keep Nelson from doing business in Jackson City.

Ruled Out the Records.

Mr. Burke spoke against the introduction of the evidence, saying that it was irrelevant. Mr. Bendheim, for the defense, argued that the jury should know of the alleged combination of gamblers

to push Nelson to the wall. Judge Love ruled against the motion.

The civil suit referred to was brought against Nelson by Foster and others for the sum of \$5,000.

Mr. Shillingham, for the defense, then asked the court to accept as evidence the deposition of Henry Williams, who was approached after the fire by Foster, who asked him to tell the grand jury that he (Williams) had seen Nelson in the policy shop on the night of the fire pouring oil on the floor and lighting the oil.

Williams claimed that Foster had offered to build and furnish him a house and give him part of a truck farm if he would so testify and his testimony was instrumental in sending Nelson to the penitentiary for a term of twenty years. Williams deposed that even if Nelson was not convicted Foster was to give him a place to live.

Judge Love ruled against this evidence being received.

Burke on the Stand.

When the jury returned to the courtroom James Burke, an employee of Nelson who lives on the Alexandria County Pike, took the stand for the defense.

Burke testified that he left Nelson's place in Alexandria county in a buggy about 9 o'clock on the night of the fire and went to Jackson City. Not finding Nelson there, he drove across the bridge and located him in Almon's saloon at the corner of Fourteenth and C Streets southwest. Nelson told him to go outside and he would be out in a few moments. It was about 10:30 o'clock when Nelson left the saloon, and witness drove him over to Jackson City.

They were on the bridge when they first saw the fire. The first stop was at James Wells' place in Jackson City. Here they alighted and remained about an hour. Witness afterward drove Nelson home, and after stabling the horse went to his own home and retired for the night. The witness was critically cross-examined by the attorneys for the prosecution, but his story was not shaken.

SAYS GOVERNOR YATES USED COMMITTEE'S FUND

Senator Mason's Charges Against Illinois Executive.

Paid Personal Expenses to President's Inauguration With Money Collected for Central Committee.

CHICAGO, Aug. 28.—In his fight with the Republican machine men Senator "Billy" Mason makes the statement that the personal expenses of Governor Richard Yates, when he went to Washington to participate in the ceremonies attending the inauguration of President McKinley, were paid out of the five per cent fund collected ostensibly "to reorganize the State central committee."

"Check for \$800 was drawn by Cicero J. Lindley and James S. Neville on a Springfield bank," said Senator Mason. "The check was drawn against the five per cent fund, and the sum obtained on the check was turned over to Governor Yates to defray his personal expenses on that trip."

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On the occasion of this trip, Governor Yates entertained with sumptuous dinners at the Arlington Hotel and otherwise deported himself as the governor of a great State.

This is the first direct charge that Governor Yates has used any of this fund for his personal account.

SYMPATHY FOR MINERS.

Big Labor Day Demonstrations to Be Held in Cities.

President Gompers, of the American Federation of Labor, is taking a great interest in the preparations for Labor Day, which, in almost every large city in the United States, will be the occasion of a demonstration in favor of the striking mine workers.

One of the largest affairs of that kind is being arranged for in New York city. "I will not be present myself," he said, "but every labor union in New York city, with very few exceptions, is interesting itself in the demonstration, and it bears the official stamp of the American Federation of Labor. The Federation has urged unions all over the country to make a demonstration of some sort on September 1, but the program has been left to their own preparation."

"I shall attend the demonstration at New Orleans, which is to assume monster proportions. There will be a parade and a public meeting. Other officials of the Federation will attend the New York meeting."

TOM JOHNSON'S VICTORY.

The McLean-Bernard Forces Utterly Routed in Convention.

CINCINNATI, Ohio, Aug. 28.—The McLean-Bernard forces, for some years in control of the local Democratic machinery, are completely routed, and the Tom Johnson organization has assumed the reins.

The fight terminated in the county convention today. The old bosses were whipped, and the Rev. Herbert S. Bissell, an avowed Johnson candidate, won the nomination of secretary of state, is joined upon as the new Democratic leader.

The convention adopted a resolution endorsing the action of the State central committee in electing Johnson as temporary chairman of the State convention. The delegates composing the convention today will also nominate the county ticket this fall, thus insuring the selection of Johnson men and the further strengthening of the new organization.

Next Convention at Baltimore.

The concluding session of the convention of the Mount Bethel Baptist Association was held last evening at Second Baptist Church, South. It was decided to hold the next convention at Baltimore, in August. A total of over \$500 was collected at the convention this year.

MAN PICKED UP IN A STARVING CONDITION

Found at a New York Pier—Remains Unconscious for Hours in a Hospital.

NEW YORK, Aug. 28.—Thomas Donahue, who was found at pier 17, North river, last night in an unconscious condition, and removed to the Hudson Street Hospital, has not yet regained consciousness. Donahue, although a man of large frame, was so emaciated from starvation that he apparently does not weigh more than sixty or seventy pounds. The only information the hospital authorities have been able to obtain from him is his name and that he is without a home.

One of the workmen at the pier said this morning that the story was not true that Donahue had been found concealed in a box with the lid nailed down. He pointed out the corner of the shed used by homeless men as a resting place.

DRUMMER'S SUDDEN DEATH AT LOCAL HOTEL

O. W. Goode, of Staunton, Va., Victim of Apoplexy.

Registered as "George P. Woods and Wife, Baltimore, Md."—Girl Disappeared After Notifying the Authorities of the Fate of Her Companion.

Shortly after 4 o'clock yesterday afternoon Owen Morris Goode, a traveling salesman for the tobacco firm of A. Williams & Co., of Richmond, Va., died of apoplexy in bed in his room at the Cosmopolitan Hotel, at the corner of New Jersey Avenue and C Street northwest. A physician was summoned, but found the man already beyond medical aid. Later in the evening Coroner Nevitt viewed the remains and issued a certificate of death due to fatty degeneration of the heart.

Mr. Goode arrived in the city some time yesterday morning. In the afternoon he went to the Baltimore and Ohio Railroad station to meet the 2:15 p. m. train from Atlantic City. He was joined by a woman, and together they went to the hotel across the street, where they engaged a room, Goode registering as "George P. Woods and wife, of Baltimore, Md."

Shortly after 4 o'clock the woman sought Miss Hannah Bedford, the housekeeper of the hotel, and informed her that her companion had died suddenly, presumably from an attack of heart failure. Dr. L. J. Battle was at once summoned. He pronounced death due to apoplexy.

Woman Awaited Authorities.

The pseudo "Mrs. Woods" remained at the hotel until after the Coroner arrived and the remains had been taken to the morgue. She then suddenly left, and at a late hour last night was still absent. The hotel management was not informed whether she intended to return.

It is said that the woman involved in from Cumberland, Md. She was said to be quite attractive in appearance, and seemed to be very good family in Cumberland. She was on her way to visit friends in Baltimore, where she is believed to have proceeded after notifying the authorities of her companion's death.

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Mr. Goode resides, when home, at 18 Jefferson Street, Staunton, Va. He is unmarried, but has a mother and two sisters living in Staunton. He is also said to leave considerable property there.

PRESIDENT A GUEST OF SECRETARY HAY

(Continued from First Page.)

cool. The engine kept up a continuous snorting and puffing in the effort of pushing the heavy train through woods and fields as clean and fresh as though a railroad had never been within twenty miles of them.

The President has Carroll D. Wright's report on the coal strike with him. The main part of the report is merely an account of the situation as Mr. Wright found it, and is familiar to all newspaper readers. There is appended, however, a more interesting report in the nature of suggestions for the settlement of the strike by mutual concessions.

Not to Be Published Yet.

It is not likely that this part of the report will be made public as yet. It seems to be felt that the effect of it would merely be to irritate what is already a sufficiently inflamed situation. Should it appear, however, that the strike is to settle down to a deadlock and there is no hope of a settlement by original initiative, the report may be put out.

At present there is no official information vouchsafed regarding it. It is not even admitted officially that the report is on the train.

In the course of his speech at Weirs the President said:

"Standing on the threshold of the twentieth century and looking into the mists of the future, we see dark problems looming before us, for the successful settlement of which we shall need all our courage, all our kindness, all our sane common sense. We can solve these problems aright only if we keep constantly in mind that each must work for all and all for each, that while there cannot with safety be any destruction of the power of individual initiative, yet that each individual must have implanted in his being the sense of the common good of all, and that we must go on, all in other words, we need to feel in our being the sense of brotherhood."

Talks of the Philippines.

"We have just brought to a conclusion a war in the Far East—a war which sprang up as a sequel to our short struggle with Spain. The army which has done its work so well in the Philippines has had a task which was small, indeed, compared with yours, but which, nevertheless, was fraught with hardships and difficulty peculiarly its own. The men who, after three years of patient, harassing, incredibly laborious warfare in the tropical jungles against a treacherous and savage foe, have finally brought peace and order and civilization to the Philippine Islands, are your sons, your successors. They claim their share in your glory by inheritance, and by their valor and their steadfast endurance have added new luster to that glory. They have

WAR DECLARATION EXPECTED TONIGHT

(Continued from First Page.)

sea and underground cables on land. From Fort Rodman, Mass., westward to Fort Terry, southwest of New London, the signal cables are so perfected that General MacArthur can communicate directly and immediately with each post commander by telegraph.

War Balloon in Waiting.

General MacArthur, when he returned to New London tonight from Fort Terry, said he felt very much pleased with the target practice today. The artillerymen are beginning to feel the enthusiasm of the occasion, and they promise to give a warm reception to any vessel that will thrust its nose within range of the forts. The great problem in the approaching conflict is to know instantly of the arrival of the hostile fleet. There will certainly be a day and night attack, and there is not the slightest indication of the time when the attack will begin.

At Point Judith Lieutenant Colonel Reber is occupied with the war balloon. He hopes to be the first to see the fleet and signal his information to the nearest fort. It was intended to keep the location of the war balloon a secret, but the spies of the enemy were vigilant, and it is known that it is located at Point Judith.

General Greely, fearing that marines may be landed from the fleet and capture the balloon men, has asked for a detachment of soldiers to protect them. He hopes to be the first to see the fleet and signal his information to the nearest fort. It was intended to keep the location of the war balloon a secret, but the spies of the enemy were vigilant, and it is known that it is located at Point Judith.

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SECRETARY SHAW PLANS FOR RELIEF

MRS. FAIR'S BROTHER STARTS FOR THE WEST

Wants to Have Something to Say in Regard to His Sister's Estate.

PLAINFIELD, N. J., Aug. 28.—William B. Smith, a brother of the late Mrs. Charles G. Fair, accompanied by his wife, left this place for New York, where they will board a train for Chicago, from which place they will go to California over the Atchafalaya, Topeka and Santa Fe Railroad.

Mr. Smith goes that he may have something to say regarding a settlement of his sister's estate. He declared before leaving Plainfield that he did not believe the reports of settlement were true.

It was rumored that Mr. Smith received a check today for \$10,000, but this was denied. However, he had a great amount of money on his person, which he showed to some friends.

He said that his mother could sign all the papers she wanted to in her own behalf, but she has no authority to sign for him.

REMOVAL OF CLERKS UNDER CIVIL SERVICE

President Roosevelt Interprets Term "Just Cause."

Declares That It Means Anything Promoting Efficiency of Departmental Service.

President Roosevelt has given to the Civil Service Commission his interpretation of the meaning of the term "just cause" in the rules governing the retirement of employees from the executive departments. The President's ruling covers the case of Miss Taylor, dismissed from the War Department for criticizing operations in the Philippines, and that of Lorenz Warfield, who recently lost his position for connection with an alleged gambling enterprise. The communication to the Civil Service Commission is couched in the following language:

"For the purpose of preventing all misunderstandings and improper construction of said section, it is hereby declared that the term 'just cause,' as used in section 8, civil service rule 2, is intended to mean any cause, other than one merely political or religious, which will promote the efficiency of the service; and nothing contained in said rule shall be construed to require the examination of witnesses or any trial or hearing except in the discretion of the officer making the removal."

Has Force of New Law.

As the President construes the civil service rules his interpretation has the force of a new law. There is a great deal of speculation in the War Department whether this law can be held to cover the case of Miss Taylor, who was removed by the Secretary of War, as it is said that the law is not retroactive, being only in fact a definition of a rule already in existence.

Miss Taylor recently brought suit against Secretary Root in the District courts to compel reinstatement.

MANCHESTER, N. H., Aug. 28.—The Secret Service men who accompany the President through New England have so far saved him and his entourage from assassination, but were unable to prevent one of the committee who welcomed him today from being a victim of one of the many pickpockets who mingled with the crowd.

Senator Jacob H. Gallinger found on reaching Concord this afternoon that his wallet had been removed. It contained only a small sum of money, but there were railroad passes and other things which the Senator admits he will miss.

"YOUNG MEN AND ANGELS ON PRESIDENT'S SIDE"

So Says "London Star," Speaking of Mr. Roosevelt's Attitude Toward Trusts.

LONDON, Aug. 28.—The "Evening Star" today publishes a long editorial on President Roosevelt's attitude toward trusts. The paper says:

"President Roosevelt has fairly thrown the gauntlet to the giant evil, the trust system. The whole world will watch the struggle with breathless interest. The fascination of the struggle springs from the fact that the Republic on paper is built up on the support of the trusts."

"Against him (Roosevelt) are arrayed all the mighty money corporations. On his side are the young men and the angels."

"It is a great fight on which depends, in large measure, the future tranquility and progress of modern civilization."

Hopes to Introduce Element of Elasticity in Banking System.

GIVES OUT A STATEMENT

New Movement Purely Precautionary and Intended to Relieve Any Possible Currency Famine—Institutions to Borrow Federal Bonds.

In view of rumors as to Secretary Shaw's plans for relieving the money market in the event of a possible stringency, the Secretary, who is in New York, authorized Assistant Secretary Allee to make the following statement:

"The Secretary recently invited some of the larger national banks in the principal cities to order additional amounts of circulating notes to be printed. National banks are entitled to issue circulation to the full amount of their capital."

Element of Elasticity.